

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
PHELPS TIRE COMPANY, INC.,)
)
Appellant,)
)
v.)
)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
)
Respondent.)

PCHB No. 916

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

THIS MATTER, the appeal of a \$100 civil penalty for an alleged opacity violation of respondent's Regulation I, Section 9.03(b) having come before the Pollution Control Hearings Board on the 7th day of January, 1976 in Seattle, Washington, and appellant Phelps Tire Company, Inc. not appearing, and respondent Puget Sound Air Pollution Control Agency appearing through its attorney, Keith D. McGoffin with William A. Harrison, hearing examiner presiding and Board member Walt Woodward present at the hearing, and the Board having considered the records and files herein and having reviewed the Proposed Decision of the

1 presiding officer mailed to the parties on the 27th day of
2 January, 1976, and more than twenty days having elapsed from said
3 service; and

4 The Board having received no exceptions to said Proposed Decision
5 and the Board being fully advised in the premises, now therefore,

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said Proposed
7 Decision dated the 27th day of January, 1976, and incorporated by
8 this reference herein and attached hereto as Exhibit A, is adopted
9 and hereby entered as the Board's Final Findings of Fact, Conclusions
10 of Law and Order herein.

11 DONE at Lacey, Washington, this 26th day of February, 1976.

12 POLLUTION CONTROL HEARINGS BOARD

13 Chris Smith
14 CHRIS SMITH, Chairman

15 W. A. Gissberg
16 W. A. GISSBERG, Member

17 Walt Woodward
18 WALT WOODWARD, Member

21 FINAL FINDINGS OF FACT,
22 CONCLUSIONS OF LAW AND ORDER

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POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
PHELPS TIRE COMPANY, INC.,)
Appellant,)
v)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 916
PROPOSED DECISION

This matter, the appeal of a \$100 civil penalty for an alleged opacity violation of respondent's Regulation I, Section 9 03(b), came before the Pollution Control Hearings Board (Walt Woodward, Member and William A. Harrison, Hearing Examiner) at a hearing in the Seattle facility of the State Board of Industrial Insurance Appeals on January 7, 1976.

Although the hearing was scheduled to commence at 2 30 p.m., appellant did not appear at that hour nor for a period of one-half hour thereafter, nor had appellant previously obtained a continuance

EXHIBIT A

1 or postponement of this hearing. Respondent appeared promptly at
2 2.30 p.m through its attorney, Keith D McGoffin. Sherri Darkow,
3 court reporter, recorded respondent's motion that this appeal be
4 dismissed. No evidence was presented on the merits.


5 ORDER

6 Pursuant to WAC 371-08-165(3) this appeal is dismissed. Any
7 exceptions to this order shall be made in writing and filed with
8 the Hearings Board and respondent within twenty days from the date
9 of receipt of this proposed decision.

10 DONE at Lacey, Washington, this 27th day of January, 1976

11 POLLUTION CONTROL HEARINGS BOARD

12 
13 WALT WOODWARD, Member

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15 WILLIAM A. HARRISON, Hearing Examiner
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CERTIFICATION OF MAILING

I, Dolories Osland, certify that I deposited in the United States mail, copies of the foregoing document on the 27th day of January, 1976, to each of the following-named parties, at the last known post office addresses, with the proper postage affixed to the respective envelopes:

Mr. John F. Phelps
Vice President
Phelps Tire Company, Inc.
10702 Aurora Avenue North
Seattle, Washington 98133

Mr. Keith D. McGoffin
Burkey, Marsico, Rovai, McGoffin,
Turner and Mason
P. O. Box 5217
Tacoma, Washington 98405

Puget Sound Air Pollution
Control Agency
410 West Harrison Street
Seattle, Washington 98119

Dolories Osland
DOLORIES OSLAND, Clerk of the
POLLUTION CONTROL HEARINGS BOARD